

**ANDOVER BOARD OF HEALTH**

**Minutes**

**June 8, 2009, 6 P.M.**

**1st Floor Conference Room**

**36 Bartlet Street**

The Board of Health meeting was called to order at 6:06 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Margaret N. Kruse, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

**I. Approval of Minutes**

- **Regular Meeting of March 9, 2009**
- **Executive Session of March 9, 2009**
- **Regular Meeting of April 13, 2009**
- **Regular Meeting of May 11, 2009**

*Ms. Martin stated that the minutes of the March, April, and May meetings will be tabled until the next scheduled Board of Health Meeting.*

**II. Appointments & Hearings**

- **6:00 p.m. – Frank Shea for Brickstone Square-Request for Variance to Allow a Mechanical Grease Trap in Lieu of an In-Ground Grease Trap.** – Mr. Carbone explained to the Board that he informed Mr. Shea that he really did not need to attend the meeting because a precedent was set in the past concerning this issue and Mr. Carbone had no problem with allowing this variance. Mr. Carbone stated that the mechanical grease trap, The Big Dipper, is a good alternative to the in-ground grease trap. Mr. Carbone also stated that he would be proposing some changes to the new Sewer Regulations which would include the use of this type of grease trap. Mr. Carbone recommended approval of the variance as long as certain conditions are met, as outlined in Mr. Carbone's Memo of June 1, 2009.

*Motion by Ms. Martin, seconded by Dr. Miller to approve the variance to allow Brickstone Square to use a mechanical grease trap in lieu of an in-ground grease trap with the following conditions:*

- 1. The mechanical grease interceptor shall be installed for use by June 1, 2010.*
- 2. Installation shall occur with the benefit of a plumbing permit.*
- 3. The existing interior grease trap shall be cleaned on a monthly basis and a log of said cleaning shall be maintained on site.*

4. *The decision letter for the variance approval shall be filed at the Registry of Deeds, with the variance expiring upon the installation of the mechanical grease interceptor, unless revoked by the Board sooner.*

*Unanimous approval*

- **Board Reorganization** – Mr. Carbone explained that the Board Reorganization is required annually in accordance with the provisions of Massachusetts General Laws, Chapter 111, §27 to elect a Chair, Vice Chair and Clerk.

*Motion by Ms. Kruse, seconded by Dr. Miller, to reorganize the Board for the period July 1, 2009 through June 30, 2010 as follows:*

- **Chairman** - Candace Martin, Chairman, Andover Board of Health, as provided for in M.G.L. Chapter 111, §27.
- **Vice Chairman** - Dr. Donald Miller, Vice Chairman, Andover Board of Health, as provided for in M.G.L. Chapter 111, §27.
- **Clerk** - Margaret Kruse, Clerk, Andover Board of Health, as provided for in M.G.L. Chapter 111, §27.

*Unanimous approval.*

- **Staff Appointments** - In accordance with the provisions of Massachusetts General Laws, Chapter 111, §30, the Board of Health appoints the following persons to serve as its Agents and Officers for the fiscal period of July 1, 2009 through June 30, 2010, and beyond as necessary to serve at the pleasure of the Board. Said appointments are for regulatory authority only and do not guarantee any salary or fee.

*Motion by Ms. Kruse, seconded by Ms. Martin, to appoint agents of the Board for the period July 1, 2009 through June 30, 2010 as follows:*

- **Permanent Staff**
  - **Thomas G. Carbone** as Director of Public Health
  - **Joanne Martel, R.N.** as Assistant Director of Public Health/Public Health Nurse
  - **Daniel H. Tremblay** as Sanitarian
  - **Patricia Crafts** as Health Agent
  - **Jane Morrissey, R.N.** as Part Time/Public Health Nurse
  - **Ronald Beauregard** as Agent (Healthy Communities Tobacco Control Program)
  - **Robert Douglas** as Agent (Conservation Director)
  - **Linda Cleary** as Agent (Conservation Agent)
  - **Bruce Hale** as Agent (Plumbing Inspector)
  - **David Dargie** as Agent (DPW Construction Engineer)

- **Anthony Turiano, M.D.** as Board of Health Physician
- **Contract Staff (on call as needed)**
  - **Michelle Grant** as Agent
  - **Thomas Murphy** as Agent
  - **Charlene Gagnon** as Public Health Nurse
  - **Nanci MacKenzie** as Public Health Nurse
  - **Janet Clarke** as Public Health Nurse
  - **Kay Devanna** as Public Health Nurse

*Unanimous approval.*

- **Emergency Appointments** - In accordance with the provisions of Massachusetts General Laws, Chapter 111, §30, the Board of Health authorizes the Director of Public Health or the next person in succession to make emergency appointments of Health Agents with the verbal approval of the Chairman of the Board of Health or a member in succession, and the Town Manager. Said appointments shall expire in 7 days unless otherwise extended by the Board of Health, and shall be for emergency purposes only.

*Motion by Ms. Martin, seconded by Ms. Kruse, to approve the use of emergency appointments which is intended to ease the use of mutual aid services from other communities in the event of an emergency requiring swift response. It transfers the Board's authority to those responding agents and legalizes their actions. Said responding agents will be under the direction of a permanently appointed agent. Unanimous approval.*

### **III. Discussion**

- **Boston Sunday Globe Article – School Cafeterias Inspections Lax (Not on Agenda)** – Mr. Carbone distributed to the Board a copy of an article in the Boston Sunday Globe on June 7, 2009, concerning school cafeteria inspections in the State of Massachusetts which stated that federal standards are not being met. The Town of Andover was involved in the study and was found to be one of the Towns that were doing proper inspections twice a year as required. Mr. Carbone had to explain that Wood Hill School and High Plain Elementary had to share a kitchen. While researching the inspection reports, only one was missing. Most of the schools are doing well, with only a couple of minor issues.

### **IV. Old Business**

- **Salt Shed Update (Not on Agenda)** – Ms. Kruse stated that she saw Dr. Dunbar, former Board of Health Chairman, and he asked if there was any progress in moving the Salt Shed. Mr. Carbone informed the Board that he would be contacting Mass Highway to see if we can get an update from them since he hadn't heard from them in a while.

- **Recycling Regulation for Condominium Trash Pickup (Not on Agenda)** – Ms. Martin informed the Board that she talked to Candy Dann, former member of the Recycling Committee. Ms. Dann had suggested that the Board enforce the regulation requiring any Garbage Transportation Companies who pick up trash at Condos in Town to follow the enforcement of waste bans that the Town has in place. Ms. Dann would like the garbage transporters to be notified and to have the requirement added to the permit process. The Board is in favor of looking into the matter because it knows the value of recycling. Mr. Carbone will move forward with this matter and will report back to the Board.

## **V. Definitive Subdivision Plans**

- **Celestial Circle – 9 Lots off Sunset Rock Road** – Mr. Carbone stated that there are several serious issues that still need to be worked out with this definitive subdivision plan. There are issues with the slope, looping of the water main, the sewer system, and storm drainage flows. Each of the five dwellings will have its own pump and force main that empties into a common sewer manhole on private property. Also, a Homeowner's Association must be created. This subdivision would need a special permit from the Board of Health in order to move forward. Mr. Carbone recommended disapproval.

*Motion by Ms. Martin, seconded by Ms. Kruse to disapprove the Definitive Subdivision Plan for Celestial Circle. Unanimous approval.*

- **Pine Forest Park – (Not on Agenda)** – Mr. Carbone wanted to make sure the Board knew that the subdivision plan that was previously disapproved by the Board was now being re-filed. The plan now shows connection to the North Reading water supply. Because of a new State law, Selectmen can now act on intermunicipal agreements instead of having to take the issue to Town Meeting. Mr. Carbone did not want this on the agenda yet because he wanted the Engineer and owner to attend an Interdepartmental Review (IDR) for discussion before bringing the plans before the Board. The IDR is scheduled for Tuesday, June 30, 2009.

## **VI. Plan Review**

### **A. D.W.R.P. Variances/Local Upgrade Approvals (LUA) –**

- **9 Lamancha Way –LUA to Allow a Sieve Analysis in Lieu of a Percolation Test** - Mr. Carbone explained to the Board that a sieve analysis was needed because this property has a shallow depth to groundwater. The sieve analysis will make a determination of the soil conditions.

*Motion by Ms. Martin, seconded by Dr. Miller, to approve the LUA for 9 Lamancha Way. Unanimous approval.*

- **21 Off Webster Street – LUA to allow the SAS to be 3’ from SHWT where 4’ is required; SAS 15’ from foundation where 20’ is required** - Mr. Carbone explained that this septic system requires two LUA’s and was pushed toward the house to maintain 50’ from the wetland and the 15’ from the foundation is not an issue.

*Motion by Ms. Kruse, seconded by Ms. Martin to approve the LUAs for 21 Off Webster Street. Unanimous approval.*

- **163 High Plain Road- LUA to Allow the SAS to be 43’ from a wetland where 50’ is required.** – This site is in the Watershed Protection Overlay District and when Conservation Agent, Linda Cleary, visited the site, she verified that the wetland line was actually closer than shown on the plan. The only place the septic system can be located is in the front of the property.

*Motion by Ms. Martin, seconded by Ms. Kruse, to approve the LUA for 163 High Plain Road. Unanimous approval.*

## **VII. Staff Reports**

### **A. Director’s Report:**

- **H1N1 Update** – Mr. Carbone informed the board that there were some communication issues with the private schools concerning H1N1
- wants to make sure he opens a better line of communication with the private schools as well as Andover Public Schools. Mr. Carbone would like to set up a region-wide meeting for all schools to meet health officers and nurses.
- **Important Dates:**
  - June 9 @ 7 p.m. - FBWAC
  - June 20-24 – Director to NEHA Conference
  - July 13 – Board Of Health Meeting
  - August 10 – Board of Health Meeting
  - September 14 – Board of Health Meeting

**B. Nurses’ Reports for April and May, 2009** – The Nurses’ Reports were for informational purposes only.

- C. Inspectors' Reports for April and May, 2009** – The Board noted that Ms. Crafts had a lot of inspections on her report, and Mr. Carbone stated that the report also contained inspections done by our contractor, Michelle Grant. Mr. Carbone stated also that the complaint at Baker's Meadow was concerning excessive mosquitoes in the area and a resident who wanted us to spray. Mr. Carbone explained that the Town does not spray. The Inspectors' Reports were for informational purposes only.

#### **VIII. Board Member Reports**

- **Summer Camps (Not on Agenda)** – Ms. Martin asked if the summer camps were ready to open. Mr. Carbone informed the Board that there are still some problems, but that most of the camps have been approved. There was no orientation this year because all of the camps have been active for years and Mr. Carbone didn't feel that class was necessary. There are always some glitches; especially with the new pool regulation for drains, but Ms. Crafts, Health Inspector, has been working with some of the camps to help them through that issue.
- **Cupcake Boutique Update (Not on Agenda)** – Mr. Carbone informed the Board that the Cupcake Boutique is now baking in Haverhill, so the problem is no longer an issue in the Town of Andover.

#### **IX. Adjournment**

*Motion by Ms. Martin, seconded by Ms. Kruse to adjourn at 7:20 p.m. Unanimous approval.*